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Rory M. Christian, Chair

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## **Greenlight to Pay Up to \$5 Million to Resolve Disputes Regarding Potentially Unsafe Installations on Utility Poles**

**Money from Rochester-Based Company Will Go Toward Increasing Broadband Coverage Statewide**

**Company to Undertake and Pay for Remedial Actions to Electric and Communication Networks in Western New York**

**ALBANY** — The New York State Public Service Commission (Commission) today adopted a settlement agreement valued at \$5 million that resolves an enforcement action against Greenlight Network LLC of Rochester (Greenlight) regarding that company's alleged failures to comply with the terms and conditions of the Commission's utility pole attachment rules. The settlement comes after a Department of Public Service investigation found that Greenlight installed non-conforming attachments to utility-owned poles, which is in violation of State safety standards.

"The agreement reached with Greenlight is consistent with the Commission's mandate to ensure reliability and safety of our utility systems, and the remedial obligations are within the range of reasonable outcomes that could be expected after a fully litigated proceeding," **said Commission Chair Rory M. Christian.** "As an added bonus, the money from the settlement will be used to further spur the development of broadband in New York State."

The Commission's pole attachment regulations are designed to ensure safe operations of millions of utility poles and networks in New York State. All underground and overhead communication lines are subject to the Commission's 2004 pole attachment order to ensure safe construction and operation of networks. The Commission's investigation alleged that Greenlight failed to pay rent for pole attachments, failed to receive proper approval before making unilateral attachments to utility poles, and during that unilateral "self-help" attachment activity, made many of those attachments in violation of Commission orders and utility pole attachment agreements.

To resolve the dispute, Greenlight has agreed to (1) provide a total settlement payment amount of up to \$5 million -- with \$2.5 million payable immediately into an escrow account for use by the New York State Broadband Office (BPO) and earmarked for the installation of broadband networks in unserved and underserved regions of the State, and \$2.5 million in payments to be suspended so long as the company proceeds with and completes remedial work in compliance with a remediation schedule; (2) pay full restitution of all back rent due for placement of Greenlight equipment on the utility poles; and (3) complete the repair of any and all non-compliant pole attachments. This will reimburse ratepayers

for the remedial and rental costs associated with the pole attachments and will enhance the safety of pole workers by ensuring that all attachments are in conformance with the safety standards.

This enforcement case initially was commenced against Rochester Gas and Electric Corporation (RG&E), Frontier Telephone of Rochester, Inc. (Frontier), and Greenlight over concerns of alleged violations asserted against those companies.

On August 12, 2021, the Commission adopted two joint settlement agreements valued at \$10 million that resolve penalty amounts for alleged violations against RG&E and Frontier regarding their alleged failures to comply with the terms and conditions of the Commission's utility pole attachment rules. Today's Greenlight decision concludes this phase of the proceeding.

In 2019, first RG&E and then Frontier brought to Staff's attention allegations that Greenlight was repeatedly making unauthorized broadband network equipment attachments to utility poles owned by each utility. Greenlight, in turn, claimed that RG&E and Frontier had failed to timely approve applications for pole attachments. Staff's subsequent investigation determined that Greenlight deployed network connections on thousands of poles owned by RG&E and Frontier, without either company's approval. These violations included, most significantly, installing broadband equipment into the neutral space (also known as the communication worker safety zone) between the electric supply space and the communications space.

By failing to ensure the minimum 40-inch separation between the electric supply space and the communications space, Greenlight created an environment where communications workers might have inadvertent contact with dangerous voltage-carrying wires or equipment, resulting in possible injury or electrocution. Staff also determined that RG&E and Frontier failed to timely review Greenlight's applications and allowed prior and subsequent non-conforming attachments to remain on their facilities.

Today's decision may be obtained by going to the Commission Documents section of the Commission's Web site at [www.dps.ny.gov](http://www.dps.ny.gov) and entering Case Number 20-M-0360 in the input box labeled "Search for Case/Matter Number". Many libraries offer free Internet access. Commission documents may also be obtained from the Commission's Files Office, 14th floor, Three Empire State Plaza, Albany, NY 12223 (518-474-2500). If you have difficulty understanding English, please call us at 1-800-342-3377 for free language assistance services regarding this press release.